

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Jason Charles Youker,

Petitioner,

v.

B. Greilick,

Respondent.

No. 2:21-cv-00046-RSL

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation. Petitioner clearly and specifically identifies his 1998 conviction as the conviction under attack. *See* Dkt. # 3 at 1. A petitioner is not “in custody” on a prior conviction where the sentence imposed has expired, even if that conviction has been used to enhance a subsequent sentence. *Lackawanna Cty. Dist. Att’y v. Coss*, 532 U.S. 394, 401 (2001).
- (2) Petitioner’s federal habeas Petition is dismissed with prejudice.
- (3) A certificate of appealability is denied in this case.
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. David W. Christel.

Dated this 31st day of August, 2021.



Robert S. Lasnik  
United States District Judge